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Attorneys for the Debtor

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:)	Case No.: 22-14422-NMC
)	
MUSCLEPHARM CORPORATION,)	Chapter 11
)	
)	
Debtor.)	Hearing Date: June 15, 2023
)	Hearing Time: 10:30 a.m. (PT)
)	

**PROPOSED AGENDA OF MATTERS SCHEDULED FOR
HEARING ON JUNE 15, 2023, AT 10:30 A.M. (PT)**

MusclePharm Corporation, the debtor and debtor-in-possession in the above-referenced Chapter 11 case (the “Debtor”), hereby files this proposed agenda of the matters scheduled for hearing on June 15, 2023, at 10:30 a.m. (PT) in the main case.

Zoom Hearing: The hearing will be held remotely via Zoom. Any parties wishing to participate in the hearing may go to <https://www.zoomgov.com> and then join the hearing by entering Meeting ID: **161 644 3366** and Passcode: **668004**. For Court hearing information, please see the Court’s website at: <https://www.nvb.uscourts.gov/calendars/court-calendars/>.

Matters Going Forward

- Emergency Motion to Enforce Intercreditor and Subordination Agreement Under Section 510(a) of the Bankruptcy Code** [ECF No. 506], filed Empery Tax Efficient, LP on May 15, 2023

Objection Deadline: June 1, 2023

Reply Deadline: June 8, 2023

Related Documents:

1. Declaration of Teresa M. Pilatowicz in Support of Emergency Motion to Enforce Intercreditor and Subordination Agreement Under Section 510(a) of the Bankruptcy Code [ECF No. 507], filed on May 15, 2023
2. Declaration of Ryan Lane in Support of Emergency Motion to Enforce Intercreditor and Subordination Agreement Under Section 510(a) of the Bankruptcy Code [ECF No. 508], filed on May 15, 2023
3. Order Regarding (I) Ex Parte Application for Order Shortening Time to Hear Emergency Motion to Enforce Intercreditor and Subordination Agreement Under Section 510(a) of the Bankruptcy Code [ECF No. 509] and (II) Motion for the Appointment of a Chapter 11 Trustee [ECF No. 447] and Setting Hearings [ECF No. 513], entered on May 16, 2023
4. Debtor's Joinder to Emergency Motion to Enforce Intercreditor and Subordination Agreement Under Section 510(a) of the Bankruptcy Code Trustee [ECF No. 564], filed on May 31, 2023
5. Ryan Drexler's Objection to Emergency Motion to Enforce Intercreditor and Subordination Agreement Under Section 510(a) of the Bankruptcy Code [ECF No. 566], filed on June 1, 2023
6. Empery Tax Efficient, LP's Reply to Objection to Emergency Motion to Enforce Intercreditor and Subordination Agreement Under Section 510(a) of the Bankruptcy Code [ECF No. 582], filed on June 8, 2023

Status: This matter will go forward as contested.

2. **Debtor's Motion to Quash Subpoena to Verizon or, in the Alternative, for Issuance of a Protective Order** [ECF No. 575], filed on June 6, 2023

Objection Deadline: June 12, 2023

Reply Deadline: June 14, 2023

Related Documents:

1. Declaration of Gabrielle A. Hamm in Support of Motion to Quash Subpoena to Verizon or, in the Alternative, for Issuance of a Protective Order [ECF No. 576], filed on June 6, 2023
2. Declaration of Nicholas Rubin in Support of Motion to Quash Subpoena to Verizon or, in the Alternative, for Issuance of a Protective Order [ECF No. 577], filed on June 6, 2023

3. Empery Tax Efficient, LP's Joinder to Motion to Quash Subpoena to Verizon or, in the Alternative, for Issuance of a Protective Order and Supplemental Points and Authorities [ECF No. 584], filed on June 12, 2023
4. Declaration of Teresa M. Pilatowicz in Support of Joinder to Motion to Quash Subpoena to Verizon or, in the Alternative, for Issuance of a Protective Order and Supplemental Points and Authorities [ECF No. 585], filed on June 12, 2023
5. Ryan Drexler's Objection to Debtor's Motion to Quash Subpoena to Verizon or, in the Alternative, for Issuance of a Protective Order [ECF No. 587], filed on June 12, 2023
6. Declaration of Michael P. Richman [ECF No. 588], filed on June 12, 2023

Status: This matter will go forward as contested.

3. **STATUS: Motion for the Appointment of a Chapter 11 Trustee** [ECF No. 447], filed by Ryan Drexler on April 28, 2023

Objection Deadline: N/A

Reply Deadline: N/A

Related Documents:

1. Declaration of Ryan Drexler in Support of Motion for the Appointment of a Chapter 11 Trustee [ECF No. 448], filed by Ryan Drexler on April 28, 2023
2. Ryan Drexler's Statement of Position [ECF No. 533], filed on May 23, 2023
3. Empery Tax Efficient, LP's Statement of Position Regarding Timing of Motion for the Appointment of a Chapter 11 Trustee [ECF No. 534], filed on May 23, 2023
4. Committee's Statement of Position Regarding Pending Trustee Motion and Discovery Related Thereto [ECF No. 538], filed on May 23, 2023
5. Debtor's Statement of Position [ECF No. 542], filed on May 23, 2023

Status: This matter will proceed as a status conference.

4. **STATUS: Debtor's Motion to Vacate Motion for Entry of Order: (I) Vacating Orders Granting Ex Parte Applications for Examination Pursuant to Bankruptcy Rule 2004, and (II) Establishing Procedures for Discovery** [ECF No. 462], filed on May 3, 2023

Objection Deadline: N/A¹

¹ The order shortening time for the hearing [ECF No. 468] provided that oppositions to the Motion

Reply Deadline: N/A

Related Documents:

1. Declaration of Gabrielle A. Hamm in Support of Motion for Entry of Order: (1) Vacating Orders Granting Ex Parte Applications for Examination Pursuant to Bankruptcy Rule 2004, and (II) Establishing Procedures for Discovery [ECF No. 463], filed on May 3, 2023
2. Joint Status Report re Debtor's Motion for Entry of Order: (1) Vacating Orders Granting Ex Parte Applications for Examination Pursuant to Bankruptcy Rule 2004, and (II) Establishing Procedures for Discovery [ECF No. 503], filed on May 15, 2023

Status: This matter will proceed as a status conference.

5. **STATUS: Debtor's Motion (I) to Approve Bidding Procedures for the Sale of Assets Pursuant to 11 U.S.C. 105, 363 and 365 of the Bankruptcy Code and Bankruptcy Rules 2002, 6004 and 6006 and (II) for Waiver of the 14-Day Stay under Bankruptcy Rule 6004** [ECF No. 497], filed on May 12, 2023

Objection Deadline: May 22, 2023²

Reply Deadline: May 23, 2023, at 4:00 p.m.

Related Documents:

1. Declaration of Nicholas Rubin in Support of Debtor's Motion (I) to Approve Bidding Procedures for the Sale of Assets Pursuant to 11 U.S.C. 105, 363 and 365 of the Bankruptcy Code and Bankruptcy Rules 2002, 6004 and 6006 and (II) for Waiver of the 14-Day Stay under Bankruptcy Rule 6004 [ECF No. 498], filed on May 12, 2023
2. Ryan Drexler's Objection to Debtor's Motion (I) to Approve Bidding Procedures for the Sale of Assets Pursuant to 11 U.S.C. 105, 363 and 365 of the Bankruptcy Code and Bankruptcy Rules 2002, 6004 and 6006 and (II) for Waiver of the 14-Day Stay under Bankruptcy Rule 6004 [ECF No. 539], filed on May 23, 2023
3. Declaration of Michael P. Richman in Support of Ryan Drexler's Objection [ECF No. 540], filed on May 23, 2023
4. Empery Tax Efficient, LP's Notice of Withdrawal [ECF No. 543], filed on May 23, 2023

and replies may be made at the hearing on May 9, 2023.

² Counsel for the Debtor and Ryan Drexler agreed to extend Mr. Drexler's objection deadline to May 23, 2023, and to extend the deadline to reply to any objection filed by Mr. Drexler to May 24, 2023.

5. Committee's Joinder in and Reply in Support of Debtor's Motion (I) to Approve Bidding Procedures for the Sale of Assets Pursuant to 11 U.S.C. 105, 363 and 365 of the Bankruptcy Code and Bankruptcy Rules 2002, 6004 and 6006 and (II) for Waiver of the 14-Day Stay under Bankruptcy Rule 6004 [ECF No. 549], filed on May 24, 2023
6. Debtor's Omnibus Reply to the Objections to Motion to Approve Bidding Procedures and Motion to Approve Settlement and Plan Support Agreement [ECF No. 550], filed on May 24, 2023

Status: This matter will proceed as a status conference.

6. **STATUS: Debtor's Motion Pursuant to 11 U.S.C. 105 and 363 of the Bankruptcy Rule 9019 to Approve Settlement and Plan Support Agreement with: (I) the Official Committee of Unsecured Creditors; (II) Empery Tax Efficient, LP, in its Capacity as Collateral Agent and Administrative Agent for MP Collateral, LLC; and (III) White Winston Select Asset Funds, LLC [ECF No. 524], filed on May 19, 2023**

Objection Deadline: May 23, 2023

Reply Deadline: May 24, 2023

Related Documents:

1. Declaration of Nicholas Rubin in Support of Debtor's Motion Pursuant to 11 U.S.C. 105 and 363 of the Bankruptcy Rule 9019 to Approve Settlement and Plan Support Agreement with: (I) the Official Committee of Unsecured Creditors; (II) Empery Tax Efficient, LP, in its Capacity as Collateral Agent and Administrative Agent for MP Collateral, LLC; and (III) White Winston Select Asset Funds, LLC [ECF No. 529], filed on May 19, 2023
2. Ryan Drexler's Objection to Debtor's Motion Pursuant to 11 U.S.C. 105 and 363 of the Bankruptcy Rule 9019 to Approve Settlement and Plan Support Agreement with: (I) the Official Committee of Unsecured Creditors; (II) Empery Tax Efficient, LP, in its Capacity as Collateral Agent and Administrative Agent for MP Collateral, LLC; and (III) White Winston Select Asset Funds, LLC [ECF No. 541], filed on May 23, 2023
3. Empery Tax Efficient, LP's Notice of Withdrawal [ECF No. 543], filed on May 23, 2023
4. Committee's Joinder in and Reply in Support of Debtor's Motion (I) to Approve Bidding Procedures for the Sale of Assets Pursuant to 11 U.S.C. 105, 363 and 365 of the Bankruptcy Code and Bankruptcy Rules 2002, 6004 and 6006 and (II) for Waiver of the 14-Day Stay under Bankruptcy Rule 6004 [ECF No. 548], filed on May 24, 2023

1 5. Debtor's Omnibus Reply to the Objections to Motion to Approve Bidding
2 Procedures and Motion to Approve Settlement and Plan Support Agreement [ECF
3 No. 550], filed on May 24, 2023

4 Status: This matter will proceed as a status conference.

5 Dated: June 14, 2023.

6 SCHWARTZ LAW, PLLC

7 By: /s/ Gabrielle A. Hamm

8 Samuel A. Schwartz, Esq.

9 Gabrielle A. Hamm, Esq.

10 601 East Bridger Avenue

11 Las Vegas, NV 89101

12 *Attorneys for the Debtor*

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of June, 2023, I caused service of a true and correct copy of the foregoing **PROPOSED AGENDA OF MATTERS SCHEDULED FOR HEARING ON JUNE 15, 2023, AT 10:30 A.M. (PT)** to be made electronically via the Court's CM/ECF system upon the following parties at the e-mail addresses listed below:

RYAN A. ANDERSEN on behalf of Interested Party ThermoLife International
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OGONNA M. BROWN on behalf of Creditors Prestige Capital Corporation and Prestige Capital Finance, LLC
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CANDACE C CARLYON on behalf of Attorney CARLYON CICA CHTD and Interested Party Ryan Drexler
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CHAPTER 11 - LV
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SHAWN CHRISTIANSON on behalf of Creditor ORACLE AMERICA, INC.
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DAWN M. CICA on behalf of Interested Party Ryan Drexler
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JOHN D. FIERO on behalf of Creditor Committee OFFICIAL COMMITTEE OF UNSECURED CREDITORS
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NEDDA GHANDI on behalf of Interested Party JW NUTRITIONAL LLC
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ALLYSON JOHNSON on behalf of Creditor Excelsior Nutrition, Inc.
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BART K. LARSEN on behalf of Creditor and Plaintiff White Winston Select Asset Funds, LLC
BLARSEN@SHEA.LAW; 3542839420@filings.docketbird.com

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1 WILLIAM M. NOALL on behalf of Creditor EMPERY ASSET MANAGEMENT, LP,
2 Defendants ALTIUM GROWTH FUND, LP; BIGGER CAPITAL FUND, LP; CVI
3 INVESTMENT, INC.; DISTRICT 2 CAPITAL FUND, LP; EMPERY DEBT OPPORTUNITY
4 FUND, LP; EMPERY MASTER ONSHORE, LLC; EMPERY TAX EFFICIENT III;
5 INTRACOASTAL CAPITAL LLC; IONIC VENTURES, LLC; L1 CAPITAL GLOBAL
6 OPPORTUNITIES MAASTER FUND; ROTH CAPITAL PARTNERS, LLC; WALLEYE
7 OPPORTUNITY MASTER FUND LTD., and Interested Party and Defendant EMPERY TAX
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6 TRACY M. O'STEEN on behalf of Attorney CARLYON CICA CHTD and Interested Party Ryan
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8 TERESA M. PILATOWICZ on behalf of Interested Party and Plaintiff EMPERY TAX
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10 JASON H. ROSELL on behalf of Creditor Committee OFFICIAL COMMITTEE OF
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19 MARK M. WEISENMILLER on behalf of Interested Party EMPERY TAX EFFICIENT, LP
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22 MATTHEW C. ZIRZOW on behalf of Attorneys JASON H. ROSELL and JOHN D. FIERO, and
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25 /s/ Michael L. Sturm

26 Michael L. Sturm, an employee of
27 SCHWARTZ LAW, PLLC
28